

UNITED STATES DISTRICT COURT

for the

District of

Division

ERIC ROBINS

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

FRAZER Ltd

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No.

*(to be filled in by the Clerk's Office)*Jury Trial: *(check one)* ☐ Yes ☐ No

COMPLAINT FOR EMPLOYMENT DISCRIMINATION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	ERIC ROBINS
Street Address	4700 WENDA STREET Apt.1212
City and County	HOUSTON / HARRIS
State and Zip Code	TEXAS / 77033
Telephone Number	832-452-1197
E-mail Address	E.CASTON@YAHOO.COM

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title *(if known)*. Attach additional pages if needed.

Pro Se 7 (Rev. 12/16) Complaint for Employment Discrimination

Defendant No. 1

Name

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)*

Defendant No. 2

Name

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)*

Defendant No. 3

Name

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)*

Defendant No. 4

Name

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)*

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is

Name FRAZER Ltd

Street Address 7227 rampart street

City and County houston / harris

State and Zip Code texas / 77081

Telephone Number 713-772-5511

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to *(check all that apply)*:

- ☒ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☐ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

- ☐ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☒ Other federal law *(specify the federal law)*:

sexual harassment

- ☐ Relevant state law *(specify, if known)*:

- ☐ Relevant city or county law *(specify, if known)*:

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes *(check all that apply)*:

- ☐ Failure to hire me.
- ☒ Termination of my employment.
- ☐ Failure to promote me.
- ☐ Failure to accommodate my disability.
- ☐ Unequal terms and conditions of my employment.
- ☒ Retaliation.
- ☐ Other acts *(specify)*: _____

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)
APRIL 23,2019

C. I believe that defendant(s) *(check one)*:

- ☒ is/are still committing these acts against me.
- ☐ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my *(check all that apply and explain)*:

- ☒ race _____
- ☒ color _____
- ☐ gender/sex _____
- ☐ religion _____
- ☐ national origin _____
- ☐ age *(year of birth)* _____ *(only when asserting a claim of age discrimination.)*
- ☐ disability or perceived disability *(specify disability)* _____

E. The facts of my case are as follows. Attach additional pages if needed.

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on (date)

MAY 14,2019

- B. The Equal Employment Opportunity Commission (check one):

☒

has not issued a Notice of Right to Sue letter.

☐

issued a Notice of Right to Sue letter, which I received on (date) 7/21/2020.

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct (check one):

☒

60 days or more have elapsed.

☐

less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

I ASKED THE COURT TO GRANT ME MY LOSS OF WAGES FROM THE DATE OF TERMINATION TO PRESENT. ALSO BE GRANTED MY P.T.O. PAY . I ASK THAT MY EMPLOYMENT BE REINSTATED. I ASK THE COURT TO GRANT ME PUNITIVE DAMAGES IN THE AMOUNT OF \$200,000.00 .FOR STRESS AND FRAUDULENT ALLEGATION. MY WRONGFUL TERMINATION DAMAGED MY CREDIBILITY. BY THE FICTITIOUS CLAIMS USED AGAINST ME,IT LEFT ME WITHOUT A VALID AND CURRENT WORK REFERENCE TO PURSUE OTHER EMPLOYERS.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

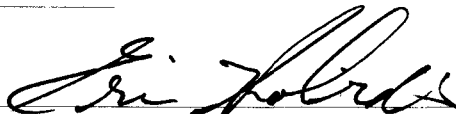
A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 10/11/2020

Signature of Plaintiff

Printed Name of Plaintiff


ERIC ROBINS

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Eric Robins**
4015 Rain Willow Ct., 969
Houston, TX 77053

From: **Houston District Office**
Mickey Leland Building
1919 Smith Street, 7th Floor
Houston, TX 77002



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

460-2019-03964

Shirley Almaguer,
Investigator

(346) 327-7693

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Marina Guerra

July 21, 2020

Enclosures(s)

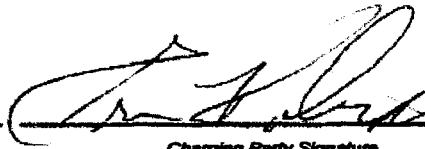
for **Rayford O. Irvin,**
District Director

(Date Mailed)

cc:

Darren Ward
President
FRAZER, LTD
7227 Rampart St.
Houston, TX 77081

TWC-Civil Rights Division
Lowell Keig, Executive Director
101 East 15th Street, Room T
Austin, TX 78778

CHARGE OF DISCRIMINATION <small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>		Charge Presented To: Agency(ies) Charge No(s): <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC </div> <div style="text-align: right;"> 460-2019-03964 </div> </div>	
Texas Workforce Commission Civil Rights Division and EEOC <small>State or local Agency, if any</small>			
Name (indicate Mr., Ms., Mrs.) Mr. Eric Robins		Home Phone (incl. Area Code) (832) 452-1197	
Street Address City, State and ZIP Code 12120 Sunset Meadow Ln, 969, Houston, TX 77035			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name FRAZER LTD		No. Employees, Members Phone No. (Include Area Code) Unknown (713) 772-5511	
Street Address City, State and ZIP Code 7227 Rampart St., Houston, TX 77081			
Name		No. Employees, Members Phone No. (Include Area Code)	
Street Address City, State and ZIP Code			
DISCRIMINATION BASED ON (Check appropriate box(es).) <div style="display: flex; flex-wrap: wrap;"> <div style="width: 50%;"><input checked="" type="checkbox"/> RACE</div> <div style="width: 50%;"><input checked="" type="checkbox"/> COLOR</div> <div style="width: 50%;"><input type="checkbox"/> SEX</div> <div style="width: 50%;"><input type="checkbox"/> RELIGION</div> <div style="width: 50%;"><input type="checkbox"/> NATIONAL ORIGIN</div> <div style="width: 50%;"><input checked="" type="checkbox"/> RETALIATION</div> <div style="width: 50%;"><input type="checkbox"/> AGE</div> <div style="width: 50%;"><input type="checkbox"/> DISABILITY</div> <div style="width: 50%;"><input type="checkbox"/> GENETIC INFORMATION</div> <div style="width: 50%;"><input type="checkbox"/> OTHER (Specify)</div> </div>		DATE(S) DISCRIMINATION TOOK PLACE <div style="display: flex; justify-content: space-between;"> <div> Earliest 04-23-2019 </div> <div> Latest 04-23-2019 </div> </div> <div style="text-align: center; margin-top: 10px;"> <input type="checkbox"/> CONTINUING ACTION </div>	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)). <p>I began my employment with Respondent on July 7, 2014 and I held the Press Brake Operator position in the Fabrication department earning an hourly wage of \$19.25. I was a loyal and dependable employee. On or about February 2019, I complained verbally and in writing to Nichol Martinez, Human Resources that I was subjected to offensive, unwelcome and inappropriate sexual comments made by Jeremy Hasbell, Supervisor and no action was taken. On April 23, 2019, I was unlawfully terminated.</p> <p>I was told I was terminated for miss use of the Company's internet – You Tube. I feel Respondent's reason to let me go is pretext for discrimination.</p> <p>I believe I was discriminated against because of my race, Black, my color and terminated in retaliation for opposing unlawful employment practices in the workplace in violation under Title VII of the Civil Rights Act of 1964, as amended.</p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures. I declare under penalty of perjury that the above is true and correct.		NOTARY – When necessary for State and Local Agency Requirements I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	
May 14, 2019 <small>Date</small>		 <small>Charging Party Signature</small>	

Appendix B

UNITED STATES DISTRICT COURTS
SOUTHERN DISTRICT OF TEXAS
_____ DIVISION

Eric Robins

Versus

CIVIL ACTION NO. _____

Frazer L.T.D.

7227 Rampart Street

Houston, TX 77081

ORIGINAL COMPLAINT

On or about 2-16-2019, supervisor Jeremy Haswell made an unwanted and disturbing sexual statement to the plaintiff, Eric Robins. This action was witnessed by three other employees.

On or about 2-18-2019, A sexual harassment was reported to Frazer's Human Resources, a Ms. Nicole Martinez. A signed statement was take and one of the three witnesses were interviewed.

Through the upcoming days, I was not allowed to work anymore overtime, and was under constant watch from the other managers and supervisors.

63 days later I was fired for the reason being:

1. Stealing company time.
2. Unauthorized use of computer while operating machinery.

These reasons are fictitious and was used in an unlawful intent to terminate my employment.

I intend to prove and show that my rights were violated by Frazer L.T.D. for actions there of:

1. Retaliation for filing a Harassment
2. I was discriminated against, whereas the perpetrator had no disciplinary action. Also, other sexual violations taken place on site, though only minorities were fired.
3. False documents were furnished to EEOC.
4. That according to Frazer's Rule book, I was in no violation of any rules.
5. That I was targeted and victimized by an organized plan to create a fictitious unknown character or "Tipster" whom initiated the plot to terminate my employment.
6. On May 20, 2019 the Texas Workforce Commission investigation found that Frazer fired plaintiff for a reason that was not misconduct connected with the work, (Section 207.044 of the Texas Compensation Act).

I ask that the court provide me time and opportunity to prove and show facts that I was wrongfully terminated based on sexual harassment, discrimination, and retaliation.